

Policy/Regulations/Culture Work Group

First Meeting

November 5, 2015

The George Washington University

Chairs Present:

Victoria (Vicki) Cox, Victoria Cox Solutions LLC

Working Group Members Present:

Steve Weidner, National Air Traffic Controllers Association

Scott Strimple, United Airlines

David Hamrick, The MITRE Corporation

Commission Members Present:

Nicole Barranco, Volkswagen Group of America

Others in Attendance:

Greg Richards, Office of the Attorney General

Jonathan Selby, Office of the Secretary of Technology

Harry Gregori, Gregori Consulting

John Brady, Raytheon

David King, Albemarle County Sheriff's Office

Minutes:

12:20pm: Convene

Vicki Cox began the meeting by reminding the Working Group members about the current aggressive schedule under which the Commission is operating. The Commission's Interim Report is due to Governor McAuliffe by the end of November. A draft of the Working Group's input to the Interim Report is due to Mr. David Hinton by November 16 so that he can incorporate into a draft for Senator Warner by November 18.

Vicki Cox stated that Young Kim may no longer be a member of the Working Group. She will confirm this with David Hinton.

Vicki Cox discussed possible recommendations that the Commonwealth, FAA and other organizations might pursue noting that economic growth of Unmanned Systems (UMS) has a huge potential in the Commonwealth. Allowing UMS companies to conduct research and testing freely is crucial for industry growth in Virginia.

The Working Group members turned to the briefing presented by Vicki Cox in the Commission meeting immediately preceding this Working Group meeting. The Working Group discussed the set of policy areas, including safety, liability and ethics. There was discussion about the liability area, specifically whether or not the Working Group should address it in its recommendations. The general sentiment was that the members do not have the wherewithal to effectively address liability. A proposal was made to identify it as a policy area that the State of Virginia will need to address but to not make any recommendations about it at this time. This topic will be considered further by the Working Group as they formulate future recommendations.

Members discussed privacy, which is included in the ethics policy area. There was broad recognition among the members that Virginia law already covers privacy and that the existing laws cover invasion of privacy by unmanned systems - most notably unmanned aircraft systems (UAS).

The Working Group was informed about VA Senate Bill 1301 (“Unmanned aircraft systems; use by public bodies during execution of a search warrant, exception”), which requires law enforcement to have a search warrant when using unmanned aircraft systems in a search. It was noted that this bill has been passed into law and that it only addresses public UAS operators – not commercial or private (recreational) UAS operators.

Members raised the question of whether there is any pending legislation in Virginia regarding UMS. Staff from the Governor’s office indicated that they are not aware of any.

Members discussed whether Virginia should enact legislation to prohibit localities from restricting unmanned aircraft operations as at least one other state has done. They also discussed whether Virginia should create a document about what is allowed in Virginia with regard to UMS. Steve Weidner stated that such a list would create a positive image for and understanding of the UMS market. These possibilities will be considered further by members as they formulate future recommendations.

The Working Group continued with discussion of the list of barriers and their potential mitigations, which were captured in the Working Group briefing to the Commission. They considered adding a mitigation strategy of providing transparency into unmanned testing and operations within the state. Steve Weidner stated that creating public awareness and notifying the public of ongoing UMS testing will allow for a more positive outlook with regard to these systems. This possibility will be considered further by the Working Group as future recommendations are formulated.

Members went on to discuss the on-going development of UAS standards by ASTM International. Working Group members David Hamrick and Scott Strimple have personal knowledge of this work. Mr Strimple noted that ASTM is striving to develop performance-based standards that do not specify particular solutions for meeting the standards. It was noted that the FAA is going in the direction of performance-based standards in establishing UAS standards. It was further noted that the Mid-Atlantic Aviation Partnership (MAAP) – one of the six UAS test

sites established by the FAA – is not directly involved in the development of these standards. However, Ms Rose Mooney, the MAAP Executive Director, is involved as an individual in the ASTM standards development activities.

Vicki Cox asked the members about potential opportunities in Virginia to explore UAS operations that extend beyond the pilot's visual line of sight (BVLOS). It was noted that the FAA will require approved platforms and technologies to conduct BVLOS operations. Instead of focusing on specific requirements and specifications for BVLOS operations, it was suggested that safety use cases be identified and demonstrations proposed.

Steve Weidner proposed seeking FAA permission to allow BVLOS operations or operations within 5 miles of an airport or within other restricted airspace for certain inspection activities when a limited distance relative to the object under inspection is maintained.

The potential for using UAS in search and rescue (emergency response) activities was identified. David King, a public observer, mentioned his recent proposal to the Governor to expedite UAS operational approvals for public safety operations – including search and rescue. He mentioned the need for a state-wide FAA Certificate of Waiver Authorization (COA) to allow such operations in a timely manner. He also mentioned the need for a single training portal for everyone involved in such operations. He suggested that the Virginia Department of Emergency Management (VDEM) would likely be the best department to develop a training curriculum.

The Working Group agreed that emergency response could be a promising niche area for Virginia and that the possibility exists for future exploration of BVLOS operations for this application. Members discussed current Virginia industry involvement in emergency response and agreed that this as well as the potential for future growth in this area needs to be explored further. Members also felt that the Virginia Department of Aviation would be the appropriate state organization to take the lead, working closely with VDEM.

Members, working from a hard copy of the morning briefing and/or a spreadsheet provided by Vicki Cox, did not have any further additions to the list of potential recommendations briefed to the Commission earlier today. They did agree that recommendations associated with education should be removed from the list as those would more appropriately be covered by the Education Working Group.

Acting on Secretary of Technology, Karen Jackson's suggestion that the number of recommendations be limited to one or two, the Working Group decided to develop a recommendation around UAS for emergency response.

Following these discussions, the Working Group entered formally into the public comment period. The public observers provided the following input:

- There is a need to use UAS to improve situational awareness in incident response.

- The Virginia Department of Aviation would be the right organization to make a proposal to the FAA to better enable this type of UAS operation by public operators for the public good.
- The Working Group recommendations regarding emergency response should be specific in that they only apply to UAS – as opposed to other unmanned systems

Following public discussion, Vicki Cox indicated that she would convert the content of today's briefing to the Commission to a narrative text for input to the Interim Report taking into account today's discussion. Scott Strimple agreed to work, with Mr King's assistance, to formulate talking points on the issue of UAS for emergency response. David Hamrick agreed to continue to develop background on unmanned land systems for incorporation in the Working Group input to the Interim Report. Steve Weidner agreed to investigate current industry involvement in emergency response operations.

In noting that she would need to collect all input and incorporate it into the Working Group's input to the Interim Report, Vicki Cox requested that Working Group members post their input on the Working Group's web page on Innovate VA or submit directly to her no later than Thursday, November 12.

A motion to adjourn was made and seconded.

1:14pm Adjourn